IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 90 OF 2003

1. Shri Manuel Agnelo
Barreto, s/o late
Francisco Barretto,
major in age,
occupation business,
r/o H.No.149,
Ordofond, Poinguinim,
Canacona, Goa, and

2. Shri Simon Barretto,
s/o late Benjamin Barretto,
major in age, farmer,
Poinguinim, Canacona, Goa. ... Petitioners.

Versus

Smt. Martha Barretto,
w/o late Santano Barretto,
major in age, housewife,
r/o H. No. not lknown,
Ordofond, Poinguinim,
Canacona, Goa. ... Respondent.

Mr. C. A. Coutinho, advocate for the petitioners.

Mr. S. D. Padiyar, advocate for the respondent.

CORAM : S. J. VAZIFDAR, J.

DATE : 10th April, 2003.

ORAL JUDGMENT

Rule returnable forthwith.

By consent the petition is taken up for final hearing.

The impugned Order rejects the plaintiffs'/petitioners' application for amendment. The amendment sought to challenge further construction that the defendant/respondent had put up after the suit was filed. This is certainly the appropriate proceeding adopted by the plaintiffs. No purpose would be served by

directing them to file a separate suit. In the circumstances, the impugned Order dated 30th September, 2002 in Regular Civil Suit No.3/2001 is set aside and the amendment is allowed.

2. Rule made absolute with no order as to costs.

S. J. VAZIFDAR, J.

mc.